

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

XIOMARA DUARTE, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 2:13-CV-00050
	§	
MICHELIN NORTH AMERICA, INC., <i>et</i>	§	
<i>al</i> ,	§	
	§	
Defendants.	§	

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

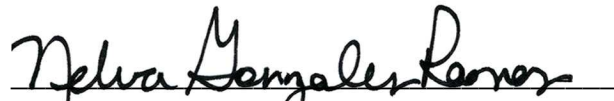
On May 3, 2013, United States Magistrate Judge B. Janice Ellington issued her “Memorandum and Recommendation” (D.E. 35). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 35), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Defendant “Toyota  
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Motor Corporation's Motion to Dismiss and Alternative Motion to Quash, For Insufficient Service of Process and Lack of Personal Jurisdiction" (D.E. 23) is **GRANTED IN PART AND DENIED IN PART**. The motion to dismiss is **DENIED**. The motion to quash service is **GRANTED**. Plaintiff is **ORDERED** to effect service under the Hague Convention on or before November 25, 2013.

ORDERED this 23rd day of May, 2013.

  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE